

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MICKEY A. MADDUX, #A0723747,)	Civ. No. 18-00258 DKW-RLP
)	
Petitioner,)	SECOND ORDER TO SHOW
)	CAUSE AND ANSWER
vs.)	
)	
TODD THOMAS,)	
)	
Respondent.)	
_____)	

On August 22, 2018, the court issued an Order to Show Cause and Answer the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Petition). *See* ECF No. 3. That same day, the court issued a Preliminary Order to Answer and Show Cause in *Maddox v. Thomas*, Civ. No. 18-00133 DKW-RLP. ECF No. 17. The Clerk of Court electronically sent these two Orders, with copies of the respective Petitions, to the Department of the Attorney General, which has agreed to forward these federal habeas petitions to the appropriate County Department of the Prosecuting Attorney. The court directed that the appropriate Department file an Answer or other response in both cases on or before October 3, 2018.

On October 3, 2018, the Deputy Prosecuting Attorney for the County of Maui, Renee Ishikawa DeLizo, filed a Preliminary Answer in Civ. No. 18-00133.

ECF No. 20. The court has not received an Answer or other response to the Petition in this case. The court inquired with the County of Maui Prosecuting Attorney's Office and was told that it had never received the Petition and Order to Show Cause in the present case.

On October 29, 2018, Petitioner filed a Motion for Summary Judgment and a Request for Preliminary Injunction and/or Injunction for Immediate Release From Detention in the present case. *See* ECF Nos. 4, 5 (Motions). These Motions are primarily based on Respondent's failure to timely file an Answer or other opposition to the Petition in this case, and the arguments set forth in the Petition.

Accordingly, the Clerk of Court is DIRECTED to resend a copy of the Petition, Second Order to Show Cause and Answer, and Petitioner's Motions for Summary Judgment, and for Preliminary Injunction and/or Injunction for Immediate Release From Detention, to the Department of the Attorney General, State of Hawaii, by United States Postal Service and electronically to the following email addresses: atg.habeascorpuspetitions@hawaii.gov, ardif.l.arakaki@hawaii.gov, and pheola.l.kuamoo@hawaii.gov. The Department of the Attorney General has agreed to forward these documents to the appropriate Department of the Prosecuting Attorney.

Respondent Todd Thomas is ORDERED to file an Answer to the Petition

(or dispositive motion), and an Opposition to Petitioner's Motions for Summary Judgment and for Injunctive Relief on or before **December 11, 2018**.

Petitioner may file a Reply to the Answer (or other dispositive motion) and to Respondent's Oppositions on or before **January 11, 2019**.

IT IS SO ORDERED.

DATED: October 30, 2018 at Honolulu, Hawaii.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

Mickey A. Maddox v. Todd Thomas; Civil No. 18-00258 DKW-RLP; **SECOND ORDER TO SHOW CAUSE AND ANSWER**

Maddox v Thomas; Civ 18-258 dkw (2d OSC to Ans. 2009 Case)

cc: Petitioner (Order)

Attorney General, State of Hawaii (Petition, Second Order to Show Cause, Petitioner's Motions) (via electronic service and USPS)

Prosecuting Attorney, County of Maui (Petition, Second Order to Show Cause, Petitioner's Motions) (via electronic service to the Office of the Attorney General)